



W.P.(MD).No.6693 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.(MD).No.6693 of 2024**

**and**

**W.M.P.(MD)Nos.6213 and 8966 of 2024**

M.Rajagandhi

...Petitioner

Vs

1.Tamil Nadu Generation and Distribution Corporation Limited,  
(TANGEDCO),

Represented by its Chairman Cum Managing Director,  
144, Anna Salai, Chennai - 600 002.

2.Tamil Nadu Generation and Distribution Corporation Limited,  
(TANGEDCO),

Represented by its Secretary,  
Secretariat Branch,  
144, Anna Salai,  
Chennai - 600 002.

3.The Superintending Engineer  
Madurai Electricity Distribution Circle,  
Tamil Nadu Generation and Distribution Corporation Limited,  
(TANGEDCO),  
Madurai District.

4.R.Kannan,  
Assistant Executive Engineer (Electrical),  
Sivagangai Electricity Distribution Circle,  
Tamil Nadu Generation and Distribution Corporation Limited,  
(TANGEDCO),  
Sivagangai District.

... Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Memorandum No.5291/A1/A11/2024-1 dated 15.03.2024 and the consequential impugned order in (Per) CMD TANGEDCO Proceedings No.51 dated 15.03.2024 on the file of the second respondent in so far as transferring and posting the fourth respondent in the place of the petitioner and quash the same as illegal.

For Petitioner : Mr.Lajapathi Roy  
Senior Counsel  
for Mr.S.Rajasekar

For R-1 to R-3 : Mr.Veerakathiravan  
Additional Advocate General  
Assisted by  
Mr.B.Ramanathan  
Standing Counsel

### **ORDER**

Heard Mr.Lajapathi Roy, learned Senior Counsel for Mr.S.Rajasekar, learned counsel, for the petitioner and Mr.Veerakathiravan, learned Additional Advocate General, assisted by, Mr.B.Ramanathan, learned Standing Counsel for the respondents



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2. Mr.Lajapathi Roy, learned Senior Counsel appearing for the petitioner submitted that initially the petitioner was appointed in the post of Assistant Engineer on 24.04.1991. Thereafter, he was promoted to the post of Assistant Executive Engineer in the year 2010 and further promoted as Executive Engineer in the year 2017. Now, he was working as Executive Engineer / East at Madurai Electricity Distribution Circle from 26.08.2021 onwards. His date of superannuation is on 31.05.2025. The petitioner has only one year of service left out.

3. Mr.Lajapathi Roy, learned Senior Counsel appearing for the petitioner further submitted that when the petitioner has not even completed 3 years of service in the present station, the second respondent has passed the transfer order dated 15.03.2024 and transferred him to Tirupathur EDC and a parallel consequential order dated 15.03.2024, by posting the fourth respondent in the petitioner's place on promotion from the post of Assistant Executive Engineer. By virtue of the order of this Court dated 18.03.2024, the impugned order dated 15.03.2024 is stayed. Despite the order of this Court, the respondents did not obey the order of this Court and allowed the fourth respondent to join in the petitioner's



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place and the petitioner is not able to retain his position as Executive Engineer in Madurai.

4. Those contentions can at the best be made in the Contempt Proceedings, if the petitioner intends to initiate such an action against the respondents. Now, the position remains that there is no vacancy for the petitioner in Madurai and the fourth respondent is said to have joined on 16.03.2024 even before the interim order was passed on 18.03.2024. As such there is no vacancy in Madurai for the petitioner to be retained, even it is presumed that the transfer is a malafide one.

5. Now, the contention raised by the petitioner is that the petitioner was transferred even before the completion of three years of service at Madurai to Tirupathur in Vellore District. The fourth respondent who was much junior to the petitioner was transferred on promotion to the post of Executive Engineer and accommodated in Madurai.

6. Normally, when the juniors are promoted to a higher post, they do not have a right to exercise any option of their own and they are expected to accept the promotion by joining in the place where they are



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posted in the promotional post. Even though the petitioner was senior and he has completed 2 years 7 months, he was disturbed by issuing the transfer order dated 15.03.2024.

7. Mr.Veerakathiravan, learned Additional Advocate General submitted that the transfer order is not a single transfer but it is a claim of transfer impacting 50 persons and hence there cannot be any malafide intention attributed to the respondent authorities. It is further submitted that the petitioner had almost completed 3 years and he cannot claim any retention at Madurai by stating that the transfer order has been issued in a Malafide manner. Submissions are also made in respect of certain allegations against the petitioner while his tenure at Madurai, though the petitioner has not been given with any charge memo or show cause notice.

8. The petitioner is about to complete his tenure of 34 years of service and it is his endeavour to get retention in Madurai itself for remaining 10 months of his service. But the petitioner should also foresee a situation if he was given with any charges at the fag end of his retirement. Even if the petitioner is allowed to retain in Madurai, he



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would have been there for just five more months and not any time more than that, unless the respondent deems it fit that the petitioner should be allowed to be retained in Madurai till his retirement.

9. With the above observations, this Writ Petition is **disposed of**. The petitioner shall join at Tirupathur in Vellore District and then place a representation to consider his request and on receipt of such request, the respondents shall accommodate the petitioner to the extent possible in any of the nearby place in and around Madurai, so as to enable him to have a peaceful retirement. The period out of service of the petitioner shall be treated as eligible leave with pay without considering that as leave on loss of pay. No costs. Consequently, connected miscellaneous petitions are closed.

**11.06.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
Nsr



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**To:**

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- 2.The Secretary,  
Tamil Nadu Generation and Distribution Corporation Limited,  
(TANGEDCO),  
Secretariat Branch,  
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**R.N.MANJULA, J.**

Nsr

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